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ATLANTIC RECORDING CORPORATION

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11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

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14 JOHNATHON J. PUCKETT,

15 Plaintiff,

16 vs.

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18 PETER GENE HERNANDEZ; and  
19 ATLANTIC RECORDS,

20 Defendants.

21 } Case No. 2:16-cv-02199 SVW (AGRx)

22 } **DECLARATION OF ILENE S.**  
23 } **FARKAS IN SUPPORT OF**  
24 } **MOTION TO DISMISS**  
25 } **COMPLAINT**

26 } *Notice of Motion and Motion and*  
27 } *Memorandum of Points and Authorities*  
28 } *filed concurrently herewith*

29 } Hearing

30 } Date: December 19, 2016

31 } Time: 1:30 p.m.

32 } Courtroom: 6

**DECLARATION OF ILENE S. FARKAS**

I, ILENE S. FARKAS, hereby declare as follows:

1. I am a member of Pryor Cashman LLP, counsel for Defendant Atlantic Recording Corporation in the above-captioned action. I submit this declaration in support of Atlantic Recording Corporation's Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) and for the purpose of putting into the record before the Court certain exhibits referenced in the accompanying memorandum of law. I am fully familiar with the facts alleged herein.
2. Attached hereto as **Exhibit 1** is demonstrative exhibit, providing the Court with a side-by-side comparison of the song lyrics that Plaintiff included as Exhibits B and C to the Complaint, without any edits or modification to those lyrics as presented in Exhibits B and C to the Complaint.
3. Attached hereto as **Exhibit 2** are results from a search for the phrase, "I would die for you" in the "title" field of the United States Copyright Office's searchable online database for post-1978 records, which is publicly available at [www.copyright.gov/records/](http://www.copyright.gov/records/). This search was run today, October 14, 2016.
4. Attached hereto as **Exhibit 3** is a copy of the Court's September 6, 2013 Order in *Steward v. West*, No. 2:13-cv-02449 BRO (JCx). At the time of the filing of this Declaration and the Motion to Dismiss, this Order appeared to be unavailable on Westlaw's and LEXIS's online databases. Counsel for Atlantic Recording Corporation has requested that it be added to the Westlaw database and so it may become available to the Court through Westlaw during this proceeding.

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2 I declare under the penalty of perjury that the foregoing is true and correct  
3 to the best of my knowledge and belief.

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5 Dated: October 14, 2016  
6 New York, NY

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Ilene S. Farkas